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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

BOONLACK CHANPHENG,

Defendant and Appellant.

A137663

(Sonoma County
Super. Ct. No. SCR-594687)

Appellant, Boonlack Chanpheng, was charged with multiple felony counts involving the kidnapping and murder of Vutha Au. It was also alleged that the crimes were committed in association with a criminal street gang under Penal Code section 186.22, subdivision (b)(1)(C). On April 4, 2011, appellant entered a no contest plea to count 3, the kidnapping charge, and admitted the criminal street gang allegation. On June 7, appellant was sentenced to the mid-term of five years on the kidnapping conviction, plus ten years for the gang enhancement, for an aggregate term of fifteen years.

FACTS

In light of appellant's no contest plea, only a brief summary of the facts is made herein, and the facts are taken from a presentence report.

Vutha Au, the victim, was a subpoenaed witness in a case involving members of the Asian Boyz gang. He was shot nine times and killed in the early morning hours of March 2, 2008. Earlier the previous evening, Tay and another man had driven Au to downtown Santa Rosa. When Tay parked the car, four Asian Boyz members pulled up

and forced Au into their car. He was taken to Blind Beach, where he was shot and killed by a member of the group. Tay and appellant had exchanged text messages earlier in the evening concerning the plan to kill Au. Appellant and Tay were active members of the Asian Boyz gang.

Counsel for appellant has filed an opening brief raising no issues and asking this court for an independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. We have conducted the requested review and conclude that there are no arguable issues.

Appellant was represented throughout the proceedings by counsel. His no contest plea and admission of the gang allegation were validly entered after full advisement of the consequences. There was no sentencing error.

The judgment is affirmed.

REARDON, J.

We concur:

RUVOLO, P. J.

HUMES, J.